HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 367(S/S)2007

Const. 169, Armed Police,
Harish Chandra Joshi,
R/o Reserve Police Line, Pithoragarh. ---- Petitioner.

Vs.

1. State of Uttarakhand through
   Secretary, Home,
2. Inspector General of Police, Nainital Zone,
   Uttarakhand,
3. Superintendent of Police, Pithoragarh. ----Respondents.

Sri Dinesh Gahtori, learned counsel for the petitioner.
Sri H.M. Raturi learned standing counsel for the State of Uttarakhand,

Hon'ble M.M. Ghildiyal, J.

Heard Sri Dinesh Gahtori, learned counsel for the petitioner adn Sri H.M. Raturi, learned Standing Counsel for the State Uttarakhand/respondents.

This writ petition has been filed by the petitioner for the following reliefs:-

i. A writ, order, rule or direction in the nature of mandamus directing the respondent no. 3 to relieve/transfer the petitioner from Armed Police to Civil Police which is the original cadre of the petitioner,

ii. Any other rule or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,

iii. Award the cost to the petitioner.

Submission of the learned counsel for the petitioner is that vide order dated 26.06.1996, the respondent no. 3 i.e. the Superintendent of Police, Pithoragarh, has passed an order

transferring the petitioner, who was working in Civil Police, temporarily for a period of 6 months from Civil Police to Armed Police. The said period was never extended by the Competent Authority, however, even after expiry of about 12 years, the petitioner has not been repatriated to its original cadre i.e. to the Civil Police. In this regard , the petitioner has made number of representations before the authorities and the last representation made by the petitioner was of 20th Feb. 2007 before the Superintendent of Police, Pithoragarh/ respondent no. 3, which it still pending before him.

During the course of arguments, counsel for the petitioner has confined his prayer that the respondents' authorities be directed to take decision on the representation of the petitioner dated 20th February 2007 (annexure no. 2 to the writ petition) for repatriation to his original cadre within the time prescribed by the Court.

The prayer is innocuous.

Consequently, I direct the respondent no. 3 to pass appropriate orders on the representation of the petitioner dated 20.02.2007 (annexure no. 2 to the writ petition) within a period of four week's from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

April 11, 2007:
NCM: